

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
JANUARY 28, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on January 28, 2016, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Nick DeBoer, Gerry Keen, Larry Leverenz, Gerald Thomas, and Norris Wang.

Absent: Azeem Jha and Steve Dietrich

Also present were Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Facilities Director Tim Clark, Parks Superintendent Jan Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Deputy Police Chief Troy Harris, Fire Chief Tim Heath, WWTU Director David Henderson, Street Commissioner Doug Payne, and Director of Development Chandler Poole.

President Bunder thanked former Mayor Sonya Margerum for the gift of one of her several gavels.

REPORTS OF CITY DEPARTMENTS ON FILE IN THE CLERK'S OFFICE

President Bunder noted that department reports are file with the Clerk's Office. He stated that he provided a list to the Council members regarding Standing Committee Assignments. He asked the Council members to let him know if the committee they have been assigned to are not to their taste, and stated that he tried to meet first and second requests.

The standing committee assignments were:

Street and Sanitation, WWTU, and Engineering: Councilors Leverenz, Keen, and Jha

Public Safety and Ordinance: Councilors Keen, Wang, and DeBoer

Purdue Relations: Councilors Jha, Sanders, and DeBoer

Parks and Recreation: Councilors Thomas and Keen

Economic Development: Councilors DeBoer and Jha

Personnel: Councilors Wang and Thomas

Budget and Finance: Councilors Dietrich, Sanders, Wang, and Bunder.

REPORT OF APC REPRESENTATIVE

President Bunder congratulated Councilor Keen on running for the State Assembly.

PUBLIC RELATIONS:

President Bunder stated that there are several appointments to the Traffic Commission, but he still needs one from District 6.

Councilor Wang stated that he has the nomination of Thomas Schwartzel.

President Bunder asked that the appointment for District 6 be added to the agenda.

SPECIAL REPORTS:

Report of the Joint Board

President Bunder stated that it would be appropriate for the Joint Board, now that they have picked a construction firm, to deliver a report to the Council, and to also inform the new Council members on how the Joint Board works.

Consideration of the Redevelopment Commission Action Regarding the State Street Project

President Bunder stated that he would like for the format to allow for questions of a technical nature, and then to speak to the spirit of the motion. He stated that he would like to know if the Redevelopment Commission (RDC) can stop what they are doing, as Tom Brooks (RDC Attorney) mentioned that this may take some action by the Council. He asked what that action would be.

RDC President Larry Oates thanked the Council for all of the support they have given the RDC over the years. RDC President Oates displayed a bag and noted that it says "\$120 Million Road Project" on it, because as of 3:45 p.m. this afternoon this is what the State Street project looked like. He explained that when he says "as of 3:45" he means that at 3:45 p.m. this afternoon the Joint Board finally uploaded the documents that we were looking for regarding the State Street project. He stated that if you go to the website, you will not find any indication that there are new documents on the website. He stated that he has been looking at it all afternoon, seeing what is going on, and at 3:45 p.m. he noticed that there was a new file under an old name with a new date and time on it. He stated that it happens to be that in the file you will find Form J, just like it is now in this bag. He asked if you would buy a project if you could not see what was inside the bag. Finally they have given the paperwork of what is inside, so now we do know what has been proposed by the Plenary Group. He stated that he would like to provide that to the Council so that they have the information, because he is not sure that everyone has the time to get a file that takes over 6 minutes to download. He stated that he has two different sets, and between those sets the Council will get the full indication of the project itself. One packet has the "Form J Scope and Price Proposal Form." In the original request for proposal, this document was in there. This was what every offeror had to fill out. He stated that this is what really comes down to the crux of the whole thing. This tells how much of the project the City can get, what the scope is, and it also tells the dollar amount that it is going to cost. He stated that the original document was blanket for the proposal, but the third page back had been redacted. He stated that this is what really sent us over the edge as far as not having the information that the RDC needed to be able to see what exactly the \$120 million would be spent on. He stated that we were getting the bag, but we did not know what we were getting in the bag. He stated that on the back he has included Pages 1 and 2 out of the final RFP Addendum No. 4. This had all kinds of changes to it, because this is how it was provided on the website; this is the public document. That document has the definition of the scope of work for the project, and it breaks down the various sections of the project. He stated that in the smaller document that came today, they have replaced Form J. The first portion of Form J indicates that the Plenary Group, they have elected to do the basic project scope plus sections 6D, 6C, and 6E. That is what their project is going to entail. The next page has the dollar amounts. Column D is a Present Value number. He stated that he calculated what the total cost is going to be. He stated that this is a down-and-dirty calculation, and he did not have time to double-check the numbers, but he shows that if you took the nominal value under Column B and added all of the numbers it comes to \$116,688,068.00. With that we now have the information that the RDC was looking for. This number is the total cost of the project, and that they are going to give us the base scope plus the sections indicated. He stated that the RDC's basis was never to question the project itself. He stated that the RDC was questioning the

information that was being provided when the RDC was expected to write checks on an ongoing basis to fund this entire project. He stated that they have asked for this information for some time now. He stated that he was being told constantly that it was confidential. He stated that when it came to a head is when a final winner, so to speak, of the project was chosen, and yet it was still confidential as to what they were going to build and how much it was going to cost. He stated that it seemed ridiculous to us. He stated that at this point, finally, as of 3:45 this afternoon, we finally got the scope, so we know exactly what they are going to build. We also have the amount of money it is going to take. He stated that it should now be an open question to the public of whether this is good value for the money. He explained that when the RDC funded the MKSK vision on what State Street should have been, that is exactly what it was—a vision. It was everybody saying that if in a perfect world, if we had all the money we could possibly have, what could we do and how could we make this project look. He stated that we are not in a perfect world; we never have all of the money that we absolutely need for everything that we need to do. So, hard questions have to be made. Part of those questions are being answered by the contractors. They are telling us what they can put forward for the \$116 million. He stated that now the question really becomes one of the Joint Board, and with input from the citizenry, as to whether we are getting value for the money. He stated that he cannot speak on behalf of the RDC as to whether they will change their position, but he knows that it changes his position regarding the resolution they passed asking for a delay in time on this. He stated that his real hope is that we now provide the citizen taxpayers of the City of West Lafayette some real background information with the public information sessions that are coming forward, where we actually talk to the people about what the project will look like, how we are going to do it, and what it is going to cost. That would be before we ever get to the public hearing. He stated that he thinks that if we do that, we have a very good chance of making this project move forward, and good chance to help transform the City of West Lafayette.

Councilor DeBoer stated that he will take some time to digest, but he figures that on Monday the Council will want to know what we got, what we did not get, the value of the things we did not get, and whether that is too bad or if we can fight for certain things at this point.

RDC President Oates stated that he would like to mention one other thing, because part of this has really perturbed him. He stated that for over a decade he has worked as a volunteer citizen member of the West Lafayette RDC to make the City a great place to live for all citizens, including himself and his family. He stated that for eight of those years he has acted as President of the RDC, and under his watch they have completely opened up the RDC's books and procedures so that every citizen and taxpayer could understand and participate in the expenditure of RDC funds. He stated that we embraced the concept that the public should be involved in the planning and execution of RDC projects by holding public information sessions and hearings, at which public discussion could be generated, digested, and considered. He stated that the hearings for the novel approach to building and financing a new fire station and the State Street Master Plan as done by MKSK come immediately to mind. He stated that at times such meetings are laborious and cumbersome, but at every instance the RDC and the projects have benefitted from the free flow of information between the engineers, the designers, the financial experts, the government leaders, and most importantly, the citizen taxpayers. He stated that he has also tried extremely hard to remove the politics from the RDC. He stated that he knows that sounds like an anomaly, but so is his appointment to the Commission. He stated that he is, and have been, a registered Republican for the entire time that he has served on the Commission, but he has been appointed 11 different times now to the Commission by a Democratic City Council. It should come as no surprise to anyone at this point that he would stand up for the open flow of information—government transparency—regarding the largest and most expensive public works project that the City of West Lafayette has ever embarked upon. He stated that he has, however, been

dismayed that during the last two weeks his reputation and motives have been called into question by project officials. He stated that this is merely because he has requested and insisted upon having transparency with regard to this project. He stated that he wants this City Council and the citizens of West Lafayette to know and understand that he has no ulterior motives. He stated that he is just trying to make the City that he calls home the best place in the world to work, live, and raise his family. He stated that he is not going anywhere until the City Council gets rid of him. Until that time he will continue to insist on transparency from the RDC and to make sure that the citizens are properly informed.

Councilor Keen asked what constitutes the project base scope.

RDC President Oates responded that the project base scope may be on a previous page that he did not print while hastily trying to prepare the documents, but it is on the website under the Final RFP, Addendum No. 4. It will be called Addendum No. 4 Redline Document. He stated that the document is 675 pages, but he has at least provided pointers of where to look for the information.

Councilor Keen thanked Mr. Oates, and stated that he has known Mr. Oates for many years and have always had the upmost respect for his work and the things he has done, including the wonderful things for the City of West Lafayette. He stated that if there is someone questioning that, there is something seriously wrong here. He stated that he appreciates everything Mr. Oates has done and will continue to do for West Lafayette.

President Bunder stated that on behalf of the City Council, he thanks Councilor Keen for saying what probably all of the members who have known Mr. Oates for a long time feel. He stated that no one at this table presumed that there was ever any kind of "hidden agenda" beyond interest in serving the City of West Lafayette.

UNFINISHED BUSINESS: None

NEW BUSINESS

Ordinance No. 05-16 An Ordinance To Amend Ordinance No. 27-15, To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2016. (Sponsored by Mayor Dennis)

President Bunder Ordinance No. 05-16 by title only.

Fire Chief Health stated that on the Fire Department's side, there is a requested change in the salary ordinance to change the Department's Administrative Assistant position from a part-time to a full-time position. It is a shared position between three departments—Facilities, Fire, and IT. He stated that all three departments will collectively fund that position.

Deputy Police Chief Harris stated the position of Training Sergeant has been rolled into the Special Services division, so that position is no longer on the books, so this is cleaning that up.

There was no further discussion.

Ordinance No. 06-16 An Ordinance To Amend Ordinance No. 28-15, To Fix The 2016 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Works and Safety)

President Bunder read Ordinance No. 06-16 by title only.

Human Resources Director Foster stated that this affects several different departments. She stated that she is not surprised that there are several different salary ordinance changes this early in the year due continued planning for the Class 2 City and some housecleaning some items with the Clerk-Treasurer no longer here. She stated that the reason for the amendment to the WWTU salary ordinance is that the positions in the Engineering Department are funded both in the General Fund and in the WWTU, so it affects both salary ordinances. She stated that the changes are minor and include title changes or small amendments.

There was no further discussion.

Resolution No. 02-16 A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Submitted by City Controller)

President Bunder read Resolution No. 02-16 by title only.

There was no further discussion.

ADJOURNMENT

There being no further business at this time, Councilor Keen moved for adjournment. President Bunder adjourned the meeting, the time being 4:55 p.m.